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Note verbale dated 20 April 2006 from the Permanent Mission of Zambia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Zambia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the Government of the Republic of Zambia has decided to present its candidature to membership in the United Nations Human Rights Council at the elections to be held during the United Nations General Assembly on 9 May 2006.

The Mission of Zambia in accordance with resolution 60/251 is therefore attaching an aide-memoire concerning its commitments to the Human Rights Council.

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Annex to the note verbale dated 20 April 2006 from the Permanent Mission of Zambia to the United Nations addressed to the Secretary-General

Aide-memoire

Zambia's candidature for the Human Rights Council

Zambia welcomes the establishment of the Human Rights Council and views this achievement as an opportunity for the international community to further strengthen the human rights regime. Zambia in that regard supports the critical role of the United Nations in the advancement of human rights and will endeavour to contribute to the Council to enable it to effectively promote and protect all human rights.

Zambia's Constitution

Zambia's Constitution, which is the fundamental law of the land contains the Bill of Rights, which makes provisions for fundamental rights and freedoms enjoyed by every person in Zambia regardless of place of origin, political opinion, colour, creed or sex.

Zambia's Constitution emphasizes democracy, respect for human rights and limitation of Government power. The Zambian people have the right to elect a leader of their choice. Zambia has separation of power with the executive, legislature and judiciary as independent arms of Government. Zambia has also endeavoured to create an enabling environment for effective participation of civil society in the affairs of the nation. Furthermore, the country has, since achieving independence in 1964, regularly held elections at both national and local levels. Independent observers have generally declared these elections free and fair. In the presidential and general elections of 2001, there were 11 presidential candidates including 2 high-profile women. This year, Zambia once again goes to the polls and it is envisaged that there will be several presidential candidates, including women.

Economic, social and cultural rights are also provided for in the Constitution although they are not justiciable. The Constitution also provides that the State shall be based on democratic principles and endeavour to create an economic environment which shall encourage individual initiative and self-reliance among the people and promote private investment; create conditions under which all citizens shall be able to secure adequate means of livelihood; provide social amenities, equal and adequate educational opportunities; provide for persons with disabilities and recognize the right of every person to fair labour practices.

General framework within which human rights are protected

Human Rights Commission

The establishment of the Zambian Human Rights Commission in 1996 has further enhanced the promotion and enjoyment of human rights. The Commission is mandated, inter alia, to investigate human rights violations; mal-administration of justice; and to propose effective measures to prevent human rights abuses. The creation of the Commission is clearly a milestone in Zambia's history and indicates

the State party's willingness to promote the enjoyment of human rights by Zambian people. Although the Commission has no enforcement powers its presence is noticeable in that it highlights abuses of human rights wherever perpetrated by the State party or any other body and therefore discourages further abuses.

Law Association

The Law Association of Zambia, which was established pursuant to an Act of Parliament, also has a Human Rights Committee which plays a similar role to the Human Rights Commission and reports to the Council of the Association.

Media

The media in Zambia enjoy an increasing high degree of freedom, which allows the press, radio and television to play a significant role in exposing breaches of human rights and fundamental freedoms and exert pressure for remedial action. The media are free to report Parliamentary proceedings as well as court proceedings relating to human rights matters.

NGOs/civil society

Churches and NGOs play a prominent role in the promotion and protection of human rights standards among the members of the public and are involved in various human rights activities.

Foreign policy

The main guiding principle of Zambia's foreign policy relates to human rights and fundamental freedoms. Zambia is convinced that there can be no meaningful development without the full protection of fundamental human rights and freedoms. In that regard we have signed and ratified the major international and regional instruments relating to the promotion and protection of human rights including:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Political Rights of Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- African Charter on Human and People's Rights
- United Nations Convention relating to the Status of Refugees
- Protocol Relating to the Status of Refugees
- Four Geneva Conventions of 1949

- Protocols to the Geneva Conventions
- Seven International Labour Organisation fundamental human rights conventions
- Rome Statute of the International Criminal Court

Zambia's role in international relations

Zambia's role in contributing to the liberation struggle in Africa

Zambia underscores the right of all people to self-determination. Zambia's steadfast belief in the principle of the right to self-determination compelled us to contribute to the liberation struggle in Southern Africa and other parts of Africa and has continued to help countries emerging from conflict in the subregion. In that regard Zambia has played centre stage in brokering peace agreements in the Southern African region in particular. Zambia will continue to propagate this principle at the international and regional levels.

Zambia's assistance to refugees

As a result of the liberation struggles in Southern Africa and civil wars that have emerged in some neighbouring countries, Zambia has played host to refugees fleeing from conflict. Zambia in that regard has implemented the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees to the letter and hosted several influxes of refugees since its independence in 1964. In its attempt to address the long refugee situation, Zambia has been implementing durable solutions. For those refugees that have not been voluntarily repatriated, Zambia, in close collaboration with UNHCR, has initiated a development programme known as the "Zambian Initiative" to spur economic development in the western province of Zambia which has a large concentration of refugees, as a pilot project. This is a holistic approach which is designed to assist both the host communities and refugees. The ultimate goal is to make both parties self-sufficient. Those refugees who do not return can therefore remain in the area with dignity, being self-reliant, and contribute to national development in a positive way.

Zambia's contribution to peacekeeping missions

Zambia supports the notion that security and peace, development and human rights are essential pillars in international relations. As a firm believer in the role that the United Nations should play in the maintenance of international peace and security, Zambia has significantly contributed to United Nations peacekeeping operations by providing military, police and civilian personnel to peacekeeping missions around the world. Zambia has participated in 15 peacekeeping missions and is currently involved in 9 missions.

Zambia's commitments to advance the protection and promotion of human rights at the national and international levels

- Zambia was a member of the Commission on Human Rights for three terms. With this experience Zambia hopes to work closely with members in the Council and non-members in formulating rules and structures, including the

peer review mechanism designed to ensure a strong Council that is transparent, non-selective and promotes dialogue and cooperation with Member States.

- Zambia will continue to respect the provisions of protocols relating to human rights both regionally and globally.

- Zambia will accelerate the process of signing such protocols as the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

- Zambia will also speed up the process of signing the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

- Zambia shall endeavour to incorporate the provisions of international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination into domestic legislation as a clear demonstration of its commitment to the promotion and protection of human rights.

- Zambia will continue to cooperate with United Nations human rights treaty bodies by meeting deadlines for submission of periodic reports and acting on their concluding observations and recommendations.

- The just ended comprehensive review of the Zambian Constitution which was embarked upon in 2003 through a Constitutional Review Commission has recommended appropriate ways of entrenching and protecting human rights in the country.